

NEW ARTICLE DUTY TO ACCOMMODATE

The duty to accommodate is the obligation to meaningfully incorporate diversity into the workplace. The duty to accommodate involves eliminating or changing rules, policies, practices and behaviours that discriminate against persons based on a group characteristic, such as race, national or ethnic origin, colour, religion, age, sex (including pregnancy), sexual orientation, marital status, family status and disability.

XX.01 When different options for accommodation are available, the preferred alternative is the one that achieves the following:

- a) maximizes the individual's dignity, autonomy, privacy and integration into the workplace and the larger society;**
- b) minimizes adverse impacts on the employee;**
- c) addresses the individual's accommodation needs within a reasonable timeframe.**

XX.02 With respect to pay and benefits, an employee who stays in the same position shall continue to receive the same pay and benefits, no matter the nature or the duration of the accommodation. If it is not possible to accommodate the employee in their own position or in a comparable position and the new position is of a group and/or level with a lower attainable rate of pay, the employee shall be salary protected, as defined in XX.03.

XX.03 Salary protection under this article shall mean the rate of pay, benefits and all subsequent economic increases applicable to the employee's former classification and level.